

## IDAP REPORT

<b>Property:</b>	1 Manning Avenue STRATHFIELD SOUTH DA 2020/166
<b>Proposal:</b>	Demolition of existing garage and construction of a secondary dwelling.
<b>Applicant:</b>	E Salem
<b>Owner:</b>	B Just
<b>Date of lodgement:</b>	28 September 2020
<b>Notification period:</b>	5 October 2020-19 October 2020
<b>Submissions received:</b>	None
<b>Assessment officer:</b>	E Black
<b>Estimated cost of works:</b>	\$130,000.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>RECOMMENDATION OF OFFICER:</b>	Approval

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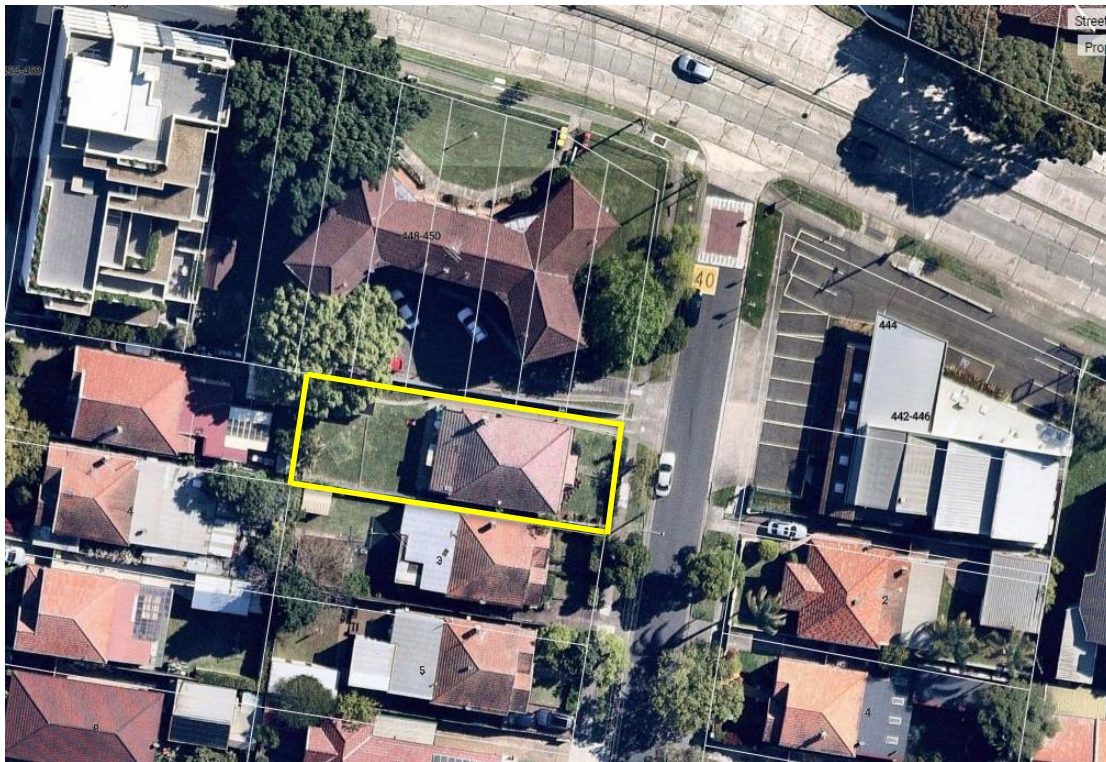


Figure 1: Locality map – Lot 49 DP 13740 and Lot 1 DP 436860

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of a fibro garage and construction of a secondary dwelling.

### **Site and Locality**

The site is identified as 1 Manning Avenue STRATHFIELD SOUTH and has a legal description of Lot: 49 DP: 13740 (437m<sup>2</sup>) and Lot 1 DP 436860 (17m<sup>2</sup>) The site consists of two parcels of land and is located at the end of Manning Ave close to the intersection of Liverpool Road.

The site, according to the survey (which contains both lots), has a width of 12.76m, a depth of 35.09m and an overall site area of 442.6m<sup>2</sup>.

The locality surrounding the subject site are generally intact single storey interwar housing to the south and the west. The site adjoins a private road to the north which services a three storey interwar residential flat building at 448 Liverpool Road. East of the property, across the road, is a commercial property.

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 5 October 2020 to 19 October 2020 where no submissions were received.

### **Issues**

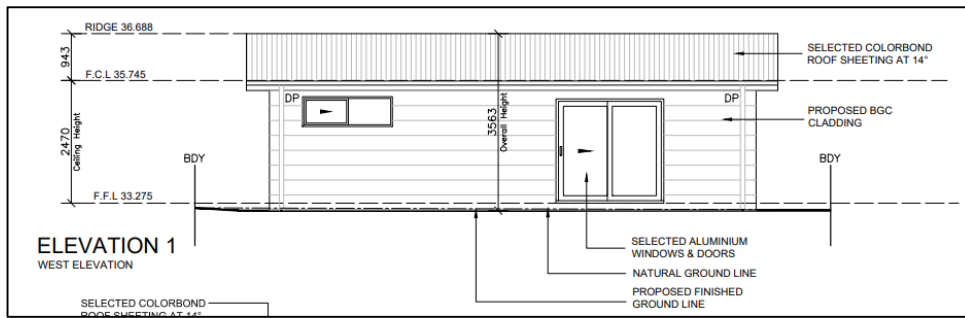
Two issues was identified. These are:

- Parking spaces: The application seeks to remove the single car garage.
- Fence: That the development may appear as a dual occupancy due to the separate entry and access way from the street. A new fenced off access way is proposed along the south side of the lot. It is proposed that the fence is deleted from the plans.

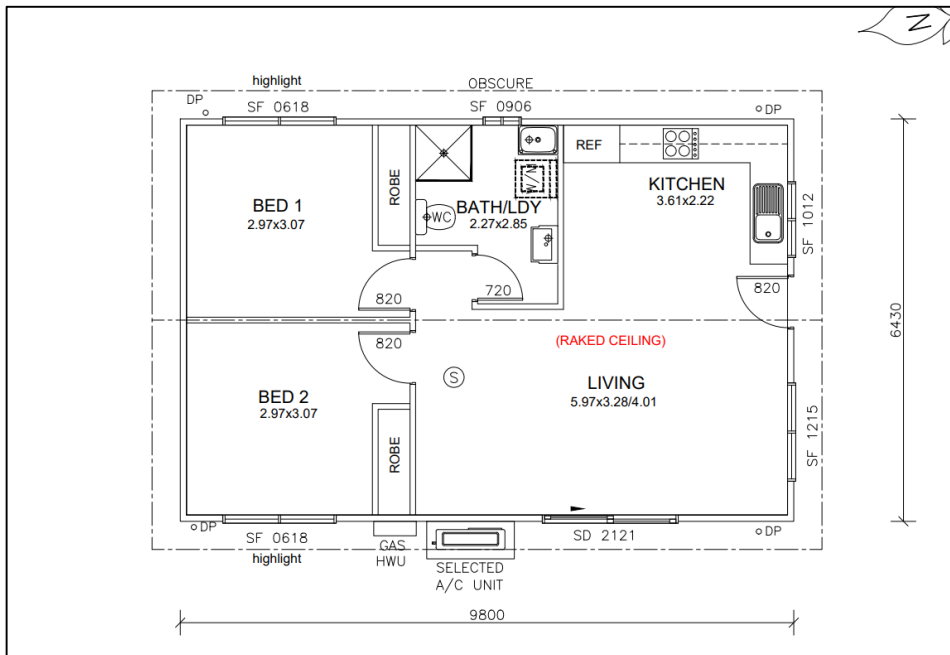
### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/166 is recommended for approval subject to suitable conditions of consent.

**Figure 3: South elevation of the proposed secondary dwelling**



**Figure 4: Western elevation of the secondary dwelling**



**Figure 5: layout of secondary dwelling**

## The Site and Locality

The subject site is legally described as Lot 49 DP 13740 and Lot 1 DP 436860 commonly known as 1 Manning Avenue STRATHFIELD SOUTH. It is located off the western side of Manning Avenue between Liverpool Road and Dean Street.

According to the survey provided, the site is rectangular in shape and has a frontage of 12.76m to the East, rear boundary of 12.8 m to the West side boundary length of 35.1m to the north and side boundary length of 35.1 m to the South and an area of 442.6m<sup>2</sup>. This survey shows the existing area use.

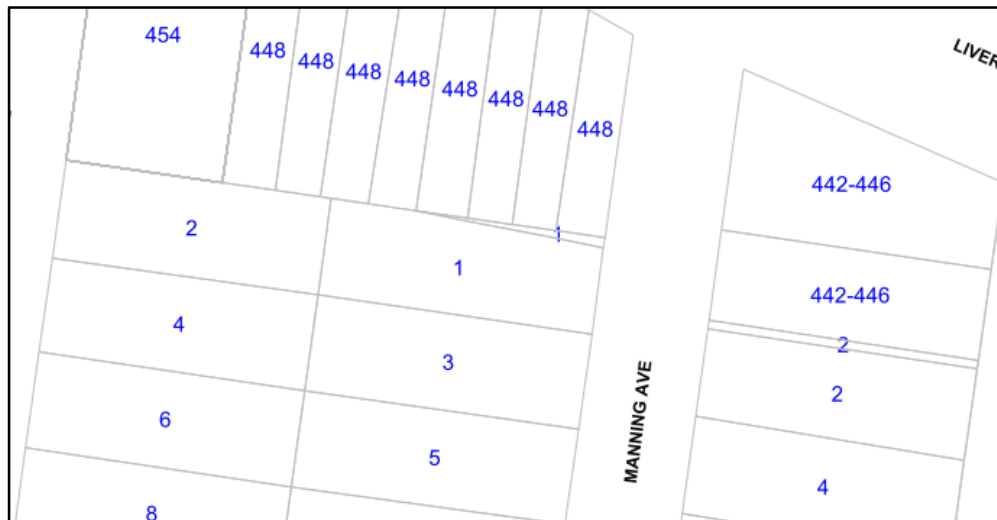
However, according to cadastral information the site is larger than the survey provided (454m<sup>2</sup>). For the purposes of this assessment the supplied survey, with the smaller site area, has been used.

The site is occupied by a single storey dwelling (130.6m). Vehicular access is provided to the site via an existing driveway from Manning Avenue to an existing fibro garage located to the rear of the property.



The current streetscape is characterised by single residential dwellings with some medium density and commercial development near the top of the street where it adjoins the Liverpool Road.

The majority of the area is predominantly characterised by single storey low density residential development. However, the site is located near the intersection of Liverpool Road (Hume Highway), where development is zoned for medium density (R3) and Commercial (B2) development. Thus, adjoining the site is a three storey walk up residential flat building. Across the road is a commercial premises “a cat rescue” operation with parking.



**Figure 6: 1 Manning Avenue consists of two lots.**



**Figure 7: The existing dwelling a 1 Manning Avenue**



**Figure 8: The existing garage at 1 Manning Avenue (note the high fences that surround the property)**

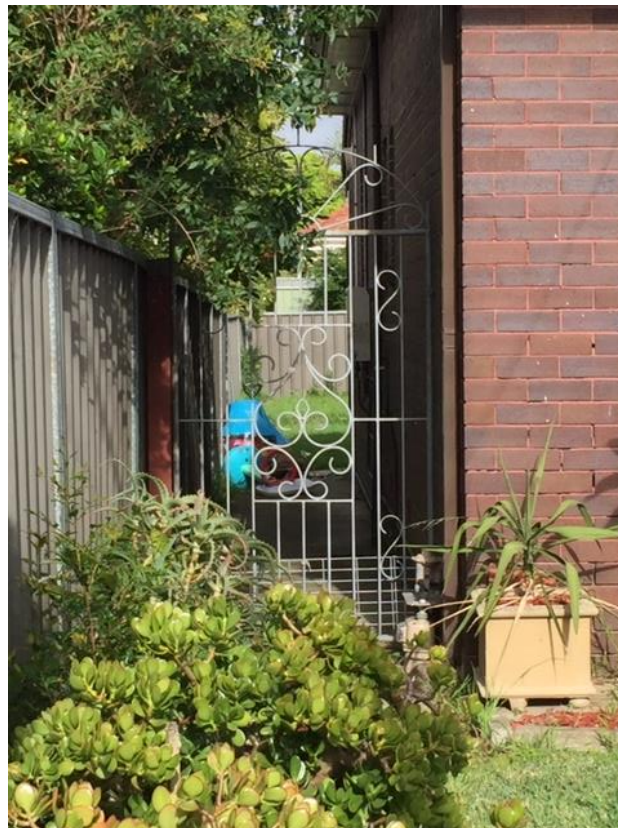


**Figure 9: Three storey block of units to the north of the subject site (498 Liverpool Road, Strathfield South).**





**Figure 10: Commercial premises located across from the subject site.**



**Figure 11: Existing access way on the south side will be utilised for the secondary dwelling.**



**Figure 12: The view of the 3 Manning Street rear yard from the location of the new secondary dwelling front door.**



**Figure 13: The view of the South East Corner where the secondary dwelling is to be located. This shows the fence between 3 Manning Ave and 2 Holmwood Avenue, Strathfield.**



## **Background**

The background is summarised below:

<b>Date</b>	<b>Action</b>
28 September 2020	The subject development application was lodged.
5 October 2020	The application was notified until 19 October 2020, where no submissions were received.
16 November 2020	Development Assessment Planner carried out a site visit.
23 November 2020	Request made for additional information
24 November 2020	Shadow Diagrams received
25 November 2020	location of parking received

## **Referrals – Internal and External**

### **Development Engineer:**

The application was referred to Council's Development Engineer who offered no objection, subject to conditions of consent.

### **Traffic Engineer:**

The application was referred to Council's traffic Engineer who offered no objection, but requested that the applicant mark out the existing tandem car parking spaces on the plan (2.4m x5.4m) to justify the retention of the vehicular crossover should the garage be replaced with a secondary dwelling.

## **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

### ***(1) Matters for consideration – general***

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) the provision of:***
- (i) any environmental planning instrument,***

## **Strathfield Local Environmental Plan**

The development site is subject to the Strathfield Local Environmental Plan 2012

## **Part 2 – Permitted or Prohibited Development**

### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

## **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	3.41m	Yes
<b>4.4</b> Floor Space Ratio	0.60:1 (265.56m <sup>2</sup> )	0.43:1 (190.6m <sup>2</sup> )	Yes

## **Part 5 – Miscellaneous Provisions**

### **Secondary dwellings**

Clause 5.4(9) of the SLEP stipulates that the total floor area of a secondary dwelling must not exceed 60m<sup>2</sup> or 20% of the total floor area of the principal dwelling, whichever is the greater. The proposed development's floor area is around 60m<sup>2</sup>, which satisfies the clause.

## **Part 6 – Additional Local Provisions**

### **Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

### **Earthworks**

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

## **STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)**

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of Council's records for the site give no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009**

In accordance with the Affordable Rental Housing SEPP (SEPP ARH), a development for the purpose of a secondary dwelling may be carried out with consent.

The following development standards under the SEPP ARH apply –

Clauses	Requirements	Proposal	Complies	Remarks
22(2)	No other dwelling other than the principal and secondary dwellings	1 primary dwelling + 1 secondary dwelling	Yes	
22(3)(a)	Not > total floor area allowed under another EPI		Yes	See assessment of Clause 4.4C under the SLEP 2012 above.
22(3)(b)	Total floor area of secondary dwelling – no > 60m <sup>2</sup> or whatever is allowed under another EPI	60 m <sup>2</sup>	Yes	See assessment of Clause 5.4 under the SLEP 2012 above.



- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

There are no draft planning instruments that are applicable to this site.

- (iii) **any development control plan,**

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/Comment
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions: Private Open Space Area: Minimum dimension:	(442.6m <sup>2</sup> x 35%) = 154.91m <sup>2</sup> 10m <sup>2</sup> 3m	37.7% (166.91m <sup>2</sup> ) rear landscape area reduced from 186.51m <sup>2</sup> to 109m <sup>2</sup> which represents more than 50% (83.455m <sup>2</sup> )	Yes
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Windows face South and West with highlight windows facing east and North	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	3m 1 0.5m 1	Shows 2 car parking spaces with one in the front setback	No
<b>Ancillary Development</b>			
<b>SECONDARY DWELLING</b> Floor Area: Height: Private open Space: Side Setback: Rear Setback:	60m <sup>2</sup> 3.5m 12m <sup>2</sup> (min.3m) 1.5m 3.0m	Yes	Yes

**Comment:** The plan shows that 2 car parking spaces can be obtained on the site. However, the second car parking space is within the front setback which will not meet the requirements of Strathfield Councils 'Part A – Dwelling houses and ancillary structures Clause 8.2 Driveways and Grades' which requires all spaces behind the front building line. In this circumstance, as the dwelling only had a single existing parking space and the applicant has demonstrated that a single car parking space can still be positioned behind

the dwelling, this is considered adequate as there will be no change to the existing situation.

A condition has been imposed to remove the car parking space in the front setback to avoid a precedent being established and to retain the car parking to the rear of the site.

### **Landscaping and Open Space**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. However, a picket fence that runs the length of the new access way in the front setback to delineate the separate entry, creates the appearance of the proposal being a dual occupancy rather than development that is part of the principle dwelling.

A condition to remove the picket fence has been imposed.

### **Fencing**

The proposed changes to the front fence to allow for an additional front gate satisfies the relevant objectives and controls within SCDCP 2005.

### **Solar Access**

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

### **Privacy**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. The windows of this secondary dwellings will be obscured by the existing fence line and the neighboring shed and landscaping. In addition it will be setback from 3 Manning Ave by 1.5m and 3m from 2 Holmwood Ave, Strathfield South. It therefore, is highly unlikely that the secondary dwelling will be able to overlook these rear backyards.

### **Vehicular access, Parking and Basements**

The proposed development does not require any additional parking space. The existing situation of a single car parking space within the rear setback can be retained.

### **Cut and fill**

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance.

## **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

## **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDGP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

***(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,***

The requirements of Australian Standard *AS2601–1991: The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

***(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

The proposed secondary dwelling satisfies the relevant objectives and controls the SCDGP 2005. It has been designed so that it does not exceed 60sqm floor area, adequately setback from side and rear boundaries and provides suitable open space provisions for the occupants. Being single storey, the existing boundary fences will provide screening and privacy to adjoining properties and ensure there is minimal or no impact on their amenity.

***(c) the suitability of the site for the development,***

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

***(d) any submissions made in accordance with this Act or the regulations,***



In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

**(e) *the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest.

**Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

*“A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).”*

**STRATHFIELD DIRECT/SECTION 7.11 CONTRIBUTIONS PLAN**

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 Contributions Plan as follows:

Provision of Community Facilities	<b>\$1,753.50</b>
Provision of Major Open Space	<b>\$8,572.39</b>
Provision of Local Open Space	<b>\$1,884.17</b>
Provision Roads and traffic Management	<b>\$499.65</b>
Administration	<b>\$162.47</b>
<b>TOTAL</b>	<b>\$13,005.09</b>

**Conclusion**

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2020/166 should be approved.

**Signed: E Black**

**Date: 25 November 2020**

## Specialist Planner Heritage

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with P Santos.

**Signed: P. Santos**  
**Development Assessment Planner**

**Date: 1 December 2012P**

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan and Landscape plan Sheet 2	E241	25/11/2020	J	ES Drafting
Proposed Floor Plan Secondary	E241	25/11/2020	J	ES Drafting

Dwelling Sheet 4				
Elevation 1 (West Elevation)  Elevation 2 (South Elevation)  Sheet 5	E241	25/11/2020	J	ES Drafting
Elevation 3 (East Elevation)  Elevation 4 (North Elevation )	E241	25/11/2020	J	ES Drafting
Section A-A  Sheet 7	E241	25/11/2020	J	ES Drafting
Site Analysis and Construction Management Plan	E241	25/11/2020	J	ES Drafting
Site Stormwater Drainage Plan	SWDP02	09/09/20	A	BMV Building Consultants
Survey	5998	23.01.2020		CC Surveying
Waste Management Plan	1 Manning Ave,  Strathfield South	15/09/20		ES Drafting
BASIX Certificate  Single Dwelling	1136227S	15/09/20		ES Drafting

## SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.



Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9748 9999.

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **3. Electricity Supply**

An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services).

#### 4. **Sydney Water – Tap in™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### 5. **Fees to be Paid**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)	<b>\$ 455</b>
Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Security Damage Deposit	<b>\$ 5,200</b>
Administration Fee for Damage Deposit	<b>\$ 127.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	<b>\$ 499</b>
Strathfield Section 94 Development Contributions – Local Open Space	<b>\$1,886.42</b>

Strathfield Section 94 Development Contributions – Major Open Space	<b>\$ 8,572.39</b>
Strathfield Section 94 Development Contributions – Community Facilities	<b>\$ 1884.17</b>
Strathfield Section 94 Development Contributions - Administration	<b>\$ 162.47</b>
<b>TOTAL Section 94 Contributions</b>	<b>\$ 13,005.09</b>

### **General Fees**

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

### **Development Contributions**

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

#### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

#### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

#### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

## **6. Required Design Changes**

The following changes are required to be made and shown on the Construction Certificate plans:

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
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Dividing fence within setback	The picket fence, shown on the site and landscape plan within the front setback is to be removed.
Front fence opening	The front fence pedestrian access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.
Front Parking Space	Delete the parking space in front of the building line.

## 7. **Damage Deposit – Minor Works**

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$5,200.00**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

## 8. **Site Management Plan**

### **Minor Development**

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

## 9. **BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1136227S must be implemented on the plans lodged with the application for the



Construction Certificate.

10. **Stormwater System**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

11. **Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

12. **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

## **PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**

### **13. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### **14. Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

### **15. Demolition Work Involving Asbestos Removal**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.

**16. Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

**DURING CONSTRUCTION**

**17. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

**18. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

**19. Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**20. BASIX Compliance Certificate**

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

**21. Stormwater Drainage Works – Works As Executed**

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

22. **Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

23. **Noise Domestic Air Conditioner and Heat Pump Water Heaters (less than 450mm from boundary)**

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

**PRESCRIBED CONDITIONS**

24. **Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

25. **Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

26. **Clause 98B – Home Building Act 1989**

If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989